

1 AN ACT

2 relating to parks, wildlife, hunting, and historic sites; the
3 funding, powers, and duties of the Parks and Wildlife Department,
4 the Parks and Wildlife Commission, and the Texas Historical
5 Commission; and standards for certain state law enforcement
6 officers; providing a criminal penalty.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Sections 442.002(b), (e), and (k), Government
9 Code, are amended to read as follows:

10 (b) The commission is composed of 17 members appointed by
11 the governor with the advice and consent of the senate. ~~[One member~~
12 ~~must be a professional archeologist, one must be a professional~~
13 ~~historian, and one must be a licensed architect who has expertise in~~
14 ~~historic preservation and architectural history. Fourteen members~~
15 ~~must be representatives of the general public.] A person may ~~[is]~~
16 not be ~~[eligible for appointment as]~~ a ~~[public]~~ member of the
17 commission if the person or the person's spouse:~~

18 (1) owns or controls, directly or indirectly, more
19 than a 10 percent interest in a business entity or other
20 organization regulated by the commission or receiving money ~~[funds]~~
21 other than grant money ~~[funds]~~ from the commission; ~~[or]~~

22 (2) uses or receives a substantial amount of tangible
23 goods, services, or money ~~[funds]~~ from the commission, other than
24 compensation or reimbursement authorized by law for commission

1 membership, attendance, or expenses; or

2 (3) is employed by or participates in the management
3 of a business entity or other organization regulated by or
4 receiving money other than grant money from the commission.

5 (e) A member of the commission must be a citizen of this
6 state who has demonstrated an interest in the preservation of the
7 state's historical or archeological heritage. In making
8 appointments to the commission, the governor shall[+]

9 [~~(1)~~] seek to have each geographical section of the
10 state represented as nearly as possible[+, and

11 [~~(2)~~ appoint at least two members from counties with a
12 population of less than 50,000].

13 (k) The Texas Historical Commission is subject to Chapter
14 325 (Texas Sunset Act). Unless continued in existence as provided
15 by that chapter, the commission is abolished and this chapter
16 expires September 1, 2019 [~~2007~~].

17 SECTION 2. Section 442.0021, Government Code, is amended to
18 read as follows:

19 Sec. 442.0021. COMMISSION MEMBERS: TRAINING. (a) A person
20 who is appointed to and qualifies for office as a member of the
21 commission may not vote, deliberate, or be counted as a member in
22 attendance at a meeting of the commission until the person
23 completes a training program that complies with this section

24 [~~Before a member of the commission may assume the member's duties~~
25 ~~and before the member may be confirmed by the senate, the member~~
26 ~~must complete at least one course of the training program~~
27 ~~established under this section].~~

1 (b) The [A] training program must [~~established under this~~
2 ~~section shall~~] provide the person with information [~~to the member~~]
3 regarding:

4 (1) the [~~enabling~~] legislation that created the
5 commission;

6 (2) the programs, functions, rules, and budget of the
7 commission;

8 (3) the results of the most recent formal audit of the
9 commission [~~(2) the programs operated by the commission~~];

10 (4) the requirements of laws relating to open
11 meetings, public information, administrative procedure, and
12 conflicts of interest [~~(3) the role and functions of the~~
13 ~~commission~~]; and

14 (5) any applicable ethics policies adopted by the
15 commission or the Texas Ethics Commission [~~(4) the rules of the~~
16 ~~commission with an emphasis on the rules that relate to~~
17 ~~disciplinary and investigatory authority,~~

18 [~~(5) the current budget for the commission,~~

19 [~~(6) the results of the most recent formal audit of the~~
20 ~~commission,~~

21 [~~(7) the requirements of the:~~

22 [~~(A) open meetings law, Chapter 551,~~

23 [~~(B) open records law, Chapter 552, and~~

24 [~~(C) administrative procedure law, Chapter 2001,~~

25 [~~(8) the requirements of the conflict of interest laws~~
26 ~~and other laws relating to public officials, and~~

27 [~~(9) any applicable ethics policies adopted by the~~

1 ~~commission or the Texas Ethics Commission].~~

2 (c) A person appointed to the commission is entitled to
3 reimbursement, as provided by the General Appropriations Act, for
4 the travel expenses incurred in attending the training program
5 regardless of whether the attendance at the program occurs before
6 or after the person qualifies for office.

7 SECTION 3. Sections 442.0022(a) and (b), Government Code,
8 are amended to read as follows:

9 (a) In this section, "Texas trade association" means a
10 cooperative and voluntarily joined statewide association of
11 business or professional competitors in this state designed to
12 assist its members and its industry or profession in dealing with
13 mutual business or professional problems and in promoting their
14 common interest [~~An officer, employee, or paid consultant of a~~
15 ~~Texas trade association in the field of archeology or historic~~
16 ~~preservation may not be a member of the commission or employee of~~
17 ~~the commission who is exempt from the state's position~~
18 ~~classification plan or is compensated at or above the amount~~
19 ~~prescribed by the General Appropriations Act for step 1, salary~~
20 ~~group 17, of the position classification salary schedule].~~

21 (b) A person may not be a member of the commission and may
22 not be a commission employee employed in a "bona fide executive,
23 administrative, or professional capacity," as that phrase is used
24 for purposes of establishing an exemption to the overtime
25 provisions of the federal Fair Labor Standards Act of 1938 (29
26 U.S.C. Section 201 et seq.) if:

27 (1) the person is an officer, employee, or paid

1 consultant of a Texas trade association in the field of archeology
2 or historic preservation; or

3 (2) the person's spouse is an officer, manager, or paid
4 consultant of a Texas trade association in the field of archeology
5 or historic preservation [~~A person who is the spouse of an officer,~~
6 ~~manager, or paid consultant of a Texas trade association in the~~
7 ~~field of archeology or historic preservation may not be a member of~~
8 ~~the commission and may not be an employee of the commission who is~~
9 ~~exempt from the state's position classification plan or is~~
10 ~~compensated at or above the amount prescribed by the General~~
11 ~~Appropriations Act for step 1, salary group 17, of the position~~
12 ~~classification salary schedule].~~

13 SECTION 4. Section 442.004, Government Code, is amended by
14 adding Subsection (b-1) to read as follows:

15 (b-1) The executive director may not serve as a voting
16 director on the board of directors of an affiliated nonprofit
17 organization formed under Section 442.005(p).

18 SECTION 5. Subchapter A, Chapter 442, Government Code, is
19 amended by adding Sections 442.0051, 442.0052, and 442.0053 to read
20 as follows:

21 Sec. 442.0051. FEES. The commission by rule may establish
22 reasonable fees for commission purposes under this chapter,
23 including an admission fee appropriate to a historic site under its
24 jurisdiction.

25 Sec. 442.0052. VOLUNTEER SERVICES. (a) Except as provided
26 by Subsection (b), the commission may use the services of
27 volunteers to help carry out the duties and responsibilities of the

1 commission.

2 (b) A volunteer may not enforce this code.

3 Sec. 442.0053. ELIGIBILITY CRITERIA FOR INCLUSION OF REAL
4 PROPERTY IN STATE HISTORIC SITES SYSTEM. (a) The commission by
5 rule shall adopt criteria for determining the eligibility of real
6 property donated to the commission for inclusion in the historic
7 sites system.

8 (b) The commission may accept a donation of real property
9 that satisfies the criteria adopted under Subsection (a).

10 (c) The commission may renovate or restore donated real
11 property, including improvements to the property, or construct new
12 improvements on the donated real property as necessary and prudent.

13 SECTION 6. Subchapter A, Chapter 442, Government Code, is
14 amended by adding Section 442.0055 to read as follows:

15 Sec. 442.0055. AFFILIATED NONPROFIT ORGANIZATION; RULES;
16 GUIDELINES. (a) The commission shall adopt rules governing the
17 relationship between the commission and an affiliated nonprofit
18 organization formed under Section 442.005(p), including rules
19 that, at a minimum:

20 (1) define the extent to which commission employees
21 with regulatory responsibilities, including the executive
22 director, may participate in activities that raise funds for an
23 affiliated nonprofit organization, which may not include the direct
24 solicitation of funds; and

25 (2) define the relationship between commission
26 employees and an affiliated nonprofit organization.

27 (b) The commission shall establish guidelines for

1 identifying and defining the administrative and financial support
2 the commission may provide for an affiliated nonprofit organization
3 formed under Section 442.005(p).

4 SECTION 7. Section 442.006, Government Code, is amended by
5 amending Subsection (b) and adding Subsection (h) to read as
6 follows:

7 (b) The commission shall:

8 (1) develop statewide themes for the program related
9 to the commission's preservation goals for the state;

10 (2) install markers recognizing districts, sites,
11 individuals, events, structures, and objects significant in Texas
12 or American history, architecture, archeology, or culture;

13 (3) [~~and shall~~] keep a register of those markers; and

14 (4) establish a limit for the number of markers the
15 commission awards annually.

16 (h) The commission by rule shall establish guidelines for an
17 application for, and the commission's review of the application
18 for, a historical marker, monument, or medallion. The guidelines
19 must include criteria for ranking the applications. The commission
20 shall give priority to the markers, monuments, and medallions that
21 relate to the statewide themes developed by the commission.

22 SECTION 8. Sections 442.009(a), (b), and (c), Government
23 Code, are amended to read as follows:

24 (a) The commission shall maintain a system to promptly and
25 efficiently act on complaints filed with the commission. The
26 commission shall maintain information about parties to the
27 complaint, the subject matter of the complaint, a summary of the

1 results of the review or investigation of the complaint, and its
2 disposition [~~prepare information of public interest describing the~~
3 ~~functions of the commission and the procedures by which complaints~~
4 ~~are filed with and resolved by the commission. The commission shall~~
5 ~~make the information available to the public and appropriate state~~
6 ~~agencies].~~

7 (b) The commission [~~by rule~~] shall make information
8 available describing its procedures for complaint investigation
9 and resolution [~~establish methods by which consumers and service~~
10 ~~recipients are notified of the name, mailing address, and telephone~~
11 ~~number of the commission for the purpose of directing complaints to~~
12 ~~the commission].~~

13 (c) The commission shall periodically notify the complaint
14 parties of the status of the complaint until final disposition
15 [~~keep information about each complaint filed with the commission.~~
16 ~~The information shall include:~~

- 17 [~~(1) the date the complaint is received,~~
18 [~~(2) the name of the complainant,~~
19 [~~(3) the subject matter of the complaint,~~
20 [~~(4) a record of all persons contacted in relation to~~
21 ~~the complaint,~~
22 [~~(5) a summary of the results of the review or~~
23 ~~investigation of the complaint, and~~
24 [~~(6) for complaints for which the agency took no~~
25 ~~action, an explanation of the reason the complaint was closed~~
26 ~~without action].~~

27 SECTION 9. Section 442.015, Government Code, is amended by

1 amending Subsections (a), (b), and (f) and adding Subsections (h),
2 (i), (j), (k), and (l) to read as follows:

3 (a) Notwithstanding Sections 403.094 and 403.095, the Texas
4 preservation trust fund account is a separate account in the
5 general revenue fund. The account consists of transfers made to the
6 account, loan repayments, grants and donations made for the
7 purposes of this program, proceeds of sales, earnings [~~income~~
8 ~~earned~~] on [~~money in~~] the account, and any other money received
9 under this section. Distributions from [~~Money in~~] the account may
10 be used only for the purposes of this section and may not be used to
11 pay operating expenses of the commission. Money allocated to the
12 commission's historic preservation grant program shall be
13 deposited to the credit of the account. Earnings [~~Income earned~~] on
14 [~~money in~~] the account shall be deposited to the credit of the
15 account.

16 (b) The commission may use distributions from [~~money in~~] the
17 Texas preservation trust fund account to provide financial
18 assistance to public or private entities for the acquisition,
19 survey, restoration, or preservation, or for planning and
20 educational activities leading to the preservation, of historic
21 property in the state that is listed in the National Register of
22 Historic Places or designated as a State Archeological Landmark or
23 Recorded Texas Historic Landmark, or that the commission determines
24 is eligible for such listing or designation. The financial
25 assistance may be in the amount and form and according to the terms
26 that the commission by rule determines. The commission shall give
27 priority to property the commission determines to be endangered by

1 demolition, neglect, underuse, looting, vandalism, or other threat
2 to the property. Gifts and grants [~~Money~~] deposited to the credit
3 of the account specifically for any eligible projects may be used
4 only for the type of projects specified. If such a specification is
5 not made, the gift or grant [~~money~~] shall be unencumbered and accrue
6 to the benefit of the Texas preservation trust fund account. If
7 such a specification is made, the entire amount of the gift or grant
8 may be used during any period for the project or type of project
9 specified.

10 (f) The advisory board shall recommend to the commission
11 rules for administering Subsections (a)-(e) [~~this section~~].

12 (h) The comptroller shall manage the assets of the account.
13 In managing the assets of the account, the comptroller may acquire,
14 exchange, sell, supervise, manage, or retain, through procedures
15 and subject to restrictions the comptroller considers appropriate,
16 any kind of investment that a prudent investor, exercising
17 reasonable care, skill, and caution, would acquire or retain in
18 light of the purposes, terms, distribution requirements, and other
19 circumstances of the account then prevailing, taking into
20 consideration the investment of all the assets of the account
21 rather than a single investment.

22 (i) The amount of a distribution shall be determined by the
23 comptroller in a manner intended to provide a stable and
24 predictable stream of annual distributions and to maintain over
25 time the purchasing power of account investments and annual
26 distributions from the account. If the purchasing power of account
27 investments for any 10-year period is not preserved, the

1 comptroller may not increase annual distributions from the account
2 until the purchasing power of account investments is restored.

3 (j) An annual distribution made by the comptroller from the
4 account during a fiscal year may not exceed an amount equal to seven
5 percent of the average net fair market value of the investment
6 assets of the account as determined by the comptroller.

7 (k) The expenses of managing account investments shall be
8 paid from the account.

9 (l) On request, the comptroller shall fully disclose all
10 details concerning the investments of the account.

11 SECTION 10. Subchapter A, Chapter 442, Government Code, is
12 amended by adding Sections 442.022 and 442.023 to read as follows:

13 Sec. 442.022. USE OF TECHNOLOGY. The commission shall
14 implement a policy requiring the commission to use appropriate
15 technological solutions to improve the commission's ability to
16 perform its functions. The policy must ensure that the public is
17 able to interact with the commission on the Internet.

18 Sec. 442.023. NEGOTIATED RULEMAKING AND ALTERNATIVE
19 DISPUTE PROCEDURES. (a) The commission shall develop and
20 implement a policy to encourage the use of:

21 (1) negotiated rulemaking procedures under Chapter
22 2008 for the adoption of commission rules; and

23 (2) appropriate alternative dispute resolution
24 procedures under Chapter 2009 to assist in the resolution of
25 internal and external disputes under the commission's
26 jurisdiction.

27 (b) The commission's procedures relating to alternative

1 dispute resolution must conform, to the extent possible, to any
2 model guidelines issued by the State Office of Administrative
3 Hearings for the use of alternative dispute resolution by state
4 agencies.

5 (c) The commission shall designate a trained person to:

6 (1) coordinate the implementation of the policy
7 adopted under Subsection (a);

8 (2) serve as a resource for any training needed to
9 implement the procedures for negotiated rulemaking or alternative
10 dispute resolution; and

11 (3) collect data concerning the effectiveness of those
12 procedures, as implemented by the commission.

13 SECTION 11. Chapter 442, Government Code, is amended by
14 adding Subchapter C to read as follows:

15 SUBCHAPTER C. CERTAIN HISTORIC SITES

16 Sec. 442.071. DEFINITION. In this subchapter, "historic
17 site" means a site or park listed under Section 442.072.

18 Sec. 442.072. JURISDICTION. (a) The following historic
19 sites and parks formerly under the jurisdiction of the Parks and
20 Wildlife Department are under the commission's jurisdiction:

21 (1) Acton State Historic Site;

22 (2) Caddoan Mounds State Historic Site;

23 (3) Casa Navarro State Historic Site;

24 (4) Confederate Reunion Grounds State Historic Site;

25 (5) Eisenhower Birthplace State Historic Site;

26 (6) Fannin Battleground State Historic Site;

27 (7) Fort Griffin State Historic Site;

- 1 (8) Fort Lancaster State Historic Site;
- 2 (9) Fort McKavett State Historic Site;
- 3 (10) Fulton Mansion State Historic Site;
- 4 (11) Landmark Inn State Historic Site;
- 5 (12) Levi Jordan State Historic Site;
- 6 (13) Magoffin Home State Historic Site;
- 7 (14) Sabine Pass Battleground State Historic Site;
- 8 (15) Sam Bell Maxey House State Historic Site;
- 9 (16) San Felipe State Historic Site;
- 10 (17) Starr Family Home State Historic Site;
- 11 (18) Varner-Hogg Plantation State Historic Site.

12 (b) This subsection applies to a historic site that the
13 state is required to operate in a particular manner or for a
14 particular purpose, such as a site improved with federal money
15 subject to federal restrictions on the purposes for which the
16 improved site may be used or a site donated to the state subject to a
17 reversion clause providing that the title reverts to the grantor
18 when the site is not used for the purposes for which it was
19 acquired. The commission has all powers necessary to operate the
20 site in the required manner or for the required purpose.

21 (c) The commission may enter into an agreement with a
22 nonprofit corporation, foundation, association, or other nonprofit
23 entity for the expansion, renovation, management, operation, or
24 financial support of a historic site.

25 Sec. 442.073. HISTORIC SITE ACCOUNT. (a) The historic site
26 account is a separate account in the general revenue fund.

27 (b) The account consists of:

1 (1) credits made to the commission under Section
2 151.801, Tax Code;

3 (2) transfers to the account;

4 (3) interest earned on the account;

5 (4) fees and other revenue from operation of a
6 historic site; and

7 (5) grants and donations accepted under Section
8 442.074.

9 (c) A fee or other revenue generated at a historic site must
10 be credited to the account.

11 (d) Money in the account may be used only to administer,
12 operate, preserve, repair, expand, or otherwise maintain a historic
13 site or to acquire a historical item appropriate to a historic site.

14 (e) Any money in the account not used in a fiscal year
15 remains in the account. The account is exempt from the application
16 of Section 403.095.

17 Sec. 442.074. GRANTS; DONATIONS. (a) The commission may
18 seek and accept grants and donations for a historic site from any
19 appropriate source.

20 (b) Money accepted under this section shall be deposited to
21 the credit of the historic site account.

22 SECTION 12. Section 442.019, Government Code, as added by
23 Chapter 1259, Acts of the 79th Legislature, Regular Session, 2005,
24 is transferred to Subchapter C, Chapter 442, Government Code, as
25 added by this Act, renumbered as Section 442.075, Government Code,
26 and amended to read as follows:

27 Sec. 442.075 [~~442.019~~]. TRANSFER OF HISTORIC [~~HISTORICAL~~]

1 SITES FROM PARKS AND WILDLIFE. (a) Section 442.071 does not apply
2 to this section.

3 (b) By interagency agreement, a historic [~~historical~~] site
4 under the jurisdiction of the Parks and Wildlife Department may be
5 transferred to the commission.

6 (c) [~~(b)~~] If jurisdiction over a historic [~~historical~~] site
7 is transferred under this section, all rights, powers, duties,
8 obligations, functions, activities, property, and programs of the
9 Parks and Wildlife Department relating to the [~~historical~~] site are
10 transferred to the commission.

11 (d) [~~(c)~~] On or after the transfer of jurisdiction over a
12 historic [~~historical~~] site, the commission may enter into an
13 agreement with a nonprofit corporation, including the Admiral
14 Nimitz Foundation, for the expansion, renovation, management,
15 operation, or financial support of the site.

16 (e) The legislature may adjust the percentages allocated to
17 the commission and the Parks and Wildlife Department under Section
18 151.801(c), Tax Code, in future appropriations to reflect the
19 transfer of a site under this section and the associated savings or
20 costs to each agency.

21 SECTION 13. Chapter 614, Government Code, is amended by
22 adding Subchapter H to read as follows:

23 SUBCHAPTER H. STANDARDS FOR CERTAIN LAW ENFORCEMENT OFFICERS

24 Sec. 614.151. DEFINITIONS. In this subchapter:

25 (1) "Law enforcement agency" means the Department of
26 Public Safety, Texas Alcoholic Beverage Commission, Texas
27 Department of Criminal Justice, and Parks and Wildlife Department.

1 (2) "Law enforcement officer" means a person who:

2 (A) is a commissioned peace officer;

3 (B) is employed by a law enforcement agency; and

4 (C) is compensated according to:

5 (i) Schedule C of the position
6 classification salary schedule prescribed by the General
7 Appropriations Act if the person is employed by a law enforcement
8 agency other than the Parks and Wildlife Department; or

9 (ii) Schedule B or C of the position
10 classification salary schedule prescribed by the General
11 Appropriations Act if the person is employed by the Parks and
12 Wildlife Department.

13 Sec. 614.152. PHYSICAL FITNESS STANDARDS. (a) Out of
14 appropriated funds, each law enforcement agency shall adopt
15 physical fitness standards that a law enforcement officer must meet
16 to continue employment with the agency as a law enforcement
17 officer. The standards as applied to an officer must directly
18 relate to the officer's job duties. A law enforcement agency shall
19 use the services of a consultant to aid the agency in developing the
20 standards.

21 (b) Except as provided by Subsection (c), a violation of a
22 standard adopted under Subsection (a) is just cause to discharge an
23 officer or:

24 (1) transfer an officer to a position that is not
25 compensated according to Schedule C of the position classification
26 salary schedule prescribed by the General Appropriations Act; or

27 (2) for a law enforcement officer employed by the

1 Parks and Wildlife Department and compensated according to Schedule
2 B of the position classification salary schedule prescribed by the
3 General Appropriations Act, transfer the officer to a position that
4 does not require the employee to be a commissioned peace officer.

5 (c) A law enforcement agency may exempt a law enforcement
6 officer from a standard under Subsection (a) based on the facts and
7 circumstances of the individual case, including whether an officer
8 was injured in the line of duty.

9 SECTION 14. Section 651.004, Government Code, is amended by
10 adding Subsection (f) to read as follows:

11 (f) The Parks and Wildlife Department is not required to
12 comply with management-to-staff ratio requirements of this section
13 with respect to employees located in field-based operations.

14 SECTION 15. Section 11.0262(a), Parks and Wildlife Code, is
15 amended to read as follows:

16 (a) An employee of the state parks division of the
17 department may accept a gratuity if:

18 (1) the employee, as a primary job duty, serves food or
19 beverages in a restaurant, cafeteria, or other food service
20 establishment located within a state park and owned and operated by
21 the department;

22 (2) the employee, as an auxiliary duty in performance
23 of a regular duty renders a special customer service to an
24 individual or group;

25 (3) the gratuity is offered by a customer:

26 (A) of the restaurant, cafeteria, [~~or other~~] food
27 service establishment, or hospitality unit of the state parks

1 division in appreciation of being served food or beverages by the
2 employee; or

3 (B) of a hospitality unit of the state parks
4 division, in appreciation of receiving some other customer service
5 from the employee;

6 (4) [~~(3)~~] the department has designated the employee
7 as an employee authorized to accept a gratuity; and

8 (5) [~~(4)~~] the employee reports the gratuity in
9 accordance with commission rules.

10 SECTION 16. Section 11.035(b), Parks and Wildlife Code, is
11 amended to read as follows:

12 (b) The department shall deposit to the credit of the state
13 parks account all revenue, less allowable costs, received from the
14 following sources:

15 (1) grants or operation of concessions in state parks
16 or fishing piers;

17 (2) publications on state parks, state historic sites,
18 or state scientific areas;

19 (3) fines or penalties received from violations of
20 regulations governing parks issued pursuant to Subchapter B,
21 Chapter 13 [~~, of this code~~];

22 (4) fees and revenue collected under Section 11.027(b)
23 or (c) [~~of this code~~] that are associated with state park lands;

24 (5) an amount of money equal to 74 [~~\$1,125,000 per~~
25 ~~month and 40~~] percent of the [~~amount above \$27 million per year of~~]
26 credits made to the department under Section 151.801, Tax Code; and

27 (6) any other source provided by law.

1 SECTION 17. Section 11.043(b), Parks and Wildlife Code, is
2 amended to read as follows:

3 (b) The account consists of:

4 (1) the amount of credits made to the department under
5 Section 151.801, Tax Code, after allocations to:

6 (A) the state parks account;

7 (B) the large county and municipality recreation
8 and parks account; and

9 (C) the Texas recreation and parks account;

10 (2) [~~r~~] proceeds of revenue bonds issued under Section
11 13.0045; and

12 (3) money from~~[, or]~~ any other source authorized by
13 law.

14 SECTION 18. Chapter 11, Parks and Wildlife Code, is amended
15 by adding Subchapter K to read as follows:

16 SUBCHAPTER K. MANAGEMENT AND EFFICIENCY REVIEWS

17 Sec. 11.251. MAINTENANCE EQUIPMENT REVIEW SYSTEM. (a) In
18 this section:

19 (1) "Maintenance equipment" means personal property
20 owned by the department that is used to administer, operate,
21 preserve, repair, expand, or otherwise maintain real property,
22 including improvements and fixtures, owned or operated by the
23 department.

24 (2) "Outdated equipment" means equipment:

25 (A) that has a fair market value that is less than
26 the annual cost of maintaining the equipment in working order;

27 (B) that is not operational and cannot reasonably

1 be made operational; or

2 (C) that no longer serves a department purpose.

3 (b) The commission by rule shall establish an equipment
4 review system through which the department annually determines
5 whether any of the department's maintenance equipment has become
6 outdated equipment since the last date the department conducted an
7 equipment review under this section.

8 (c) The equipment review system established under
9 Subsection (b) must require the department to sell any outdated
10 equipment in the manner and at the time specified by the commission
11 by rule.

12 (d) The department shall deposit proceeds from the sale of
13 equipment under this section to the credit of the appropriate parks
14 and wildlife account.

15 Sec. 11.252. MAINTENANCE PROVIDER REVIEW SYSTEM. (a) In
16 this section "maintenance" includes the administration, operation,
17 preservation, repair, and expansion of personal property owned by
18 the department and real property owned or operated by the
19 department.

20 (b) The commission by rule shall establish a maintenance
21 provider review system through which the department annually
22 determines whether a maintenance task performed by the department
23 could be performed by a third-party contractor in a manner that:

24 (1) is more cost-effective than the department's
25 manner of performing the maintenance task; and

26 (2) yields a result that is equal to or greater than
27 the quality of the result produced by the department performing the

1 task.

2 (c) The maintenance provider review system established
3 under Subsection (b) must require the department to contract with a
4 third party for the performance of any maintenance task performed
5 by the department that could be performed by a third-party
6 contractor in the manner that meets the criteria described by
7 Subsection (b) after the department's cost of administering the
8 contract is added to the cost of performance by the third party.

9 Sec. 11.253. MANAGEMENT PLAN AND PRIORITIES LIST. Not
10 later than January 15 of each odd-numbered year the department
11 shall submit to the governor, the speaker of the house of
12 representatives, the lieutenant governor, and the chair of each
13 house and senate standing committee having jurisdiction over a
14 matter regulated by the department under this code a management
15 plan to address the department's maintenance responsibilities
16 under this subchapter and a priorities list that includes the
17 following information:

18 (1) a prioritized list of facilities operated by the
19 department that are most in need of repair, renovation, expansion,
20 or other maintenance;

21 (2) an itemized list explaining any additional funding
22 requested by the department to accomplish a task described by
23 Subdivision (1); and

24 (3) the results of the reviews conducted under
25 Sections 11.251, 11.252, and 13.019(b).

26 SECTION 19. Section 12.010, Parks and Wildlife Code, is
27 amended to read as follows:

1 Sec. 12.010. NUISANCE OR NOXIOUS AQUATIC VEGETATION
2 PROGRAM. (a) The department may implement a program to control or
3 eradicate nuisance aquatic vegetation, including hydrilla and
4 giant sylvania, from public water in this state.

5 (b) To implement the program under this section, the
6 department may use money from unclaimed refunds of the tax on fuel
7 used in motorboats appropriated to the department under Section
8 162.502(c), Tax Code.

9 (c) The department may contract with a person not employed
10 by the department or use the services of department personnel for
11 the control or eradication of nuisance or noxious vegetation in the
12 water of this state.

13 SECTION 19A. (a) Chapter 31, Parks and Wildlife Code, is
14 amended by adding Subchapter G to read as follows:

15 SUBCHAPTER G. PARTY BOATS

16 Sec. 31.171. DEFINITIONS. In this subchapter:

17 (1) "Licensed party boat operator" means a person
18 issued a license by the department under this subchapter.

19 (2) "Party boat" means a vessel:

20 (A) operated by the owner of the vessel or an
21 employee of the owner; and

22 (B) rented or leased by the owner for a group
23 recreational event for more than six passengers.

24 Sec. 31.172. APPLICABILITY; EXCEPTION. (a) This
25 subchapter applies only to a party boat that operates on the inland
26 waters of this state.

27 (b) This subchapter does not apply to a boat that is less

1 than 30 feet in length or to a sailboat.

2 Sec. 31.173. PARTY BOAT OPERATOR AND STAFF. (a) Except as
3 provided by Subsection (c), the party boat owner shall provide
4 staff members, including a licensed party boat operator, who:

5 (1) operate and staff the party boat for the duration
6 of a rental or lease for a group recreational event as follows:

7 (A) for a boat with not more than 25 passengers,
8 one staff member who is an operator;

9 (B) for a boat with at least 26 but not more than
10 50 passengers, two staff members, including one operator; and

11 (C) for a boat with more than 50 passengers,
12 three staff members, including one operator; and

13 (2) have each successfully completed a boater safety
14 course approved under this chapter.

15 (b) At least one staff member on the boat must be certified
16 to conduct cardiopulmonary resuscitation.

17 (c) This section does not apply to a party boat rented or
18 leased for an overnight or longer period for which the owner, or the
19 owner's staff, does not intend to remain in constant possession,
20 command, and control of the party boat.

21 Sec. 31.174. BOAT REQUIREMENTS. A party boat:

22 (1) may not carry more than the maximum number of
23 passengers the boat may safely accommodate as determined by the
24 department on inspection;

25 (2) must have a direct and reliable communication
26 connection to the land-based office of the owner and law
27 enforcement and emergency services by cellular telephone or very

1 high frequency radio; and

2 (3) must pass an annual water safety inspection
3 conducted by the department or a person under contract with the
4 department.

5 Sec. 31.175. PASSENGER SAFETY INFORMATION; INSURANCE. (a)
6 The owner of a party boat shall provide each passenger with written
7 and verbal safety information and require each passenger to sign a
8 form acknowledging that the passenger reviewed and understands the
9 information.

10 (b) The verbal and written safety information must disclose
11 that no lifeguard is present on the party boat if there is not at
12 least one staff member on the boat who is certified as a lifeguard
13 by the American Red Cross, the American Lifeguard Association, or
14 another comparable nationally recognized organization.

15 (c) The owner of a party boat must obtain at least a minimum
16 amount of liability insurance from an insurer licensed to do
17 business in this state. The commission shall set the amount.

18 Sec. 31.176. PARTY BOAT OPERATOR LICENSE. (a) The
19 commission by rule shall establish, as necessary to protect the
20 public health and safety, the requirements and procedures for the
21 issuance and renewal of a party boat operator license under this
22 subchapter.

23 (b) Except as provided by Subsection (c), the rules for
24 obtaining a license as a party boat operator must require at a
25 minimum that the applicant:

26 (1) be at least 21 years of age;

27 (2) observe for at least four hours a licensed party

1 boat operator operating a party boat on open water;

2 (3) operate for at least four hours a party boat on
3 open water while being supervised and observed by a licensed party
4 boat operator; and

5 (4) pass a written examination covering onboard safety
6 procedures and the applicable provisions of this chapter.

7 (c) An applicant is not required to comply with Subsections
8 (b)(2) and (3) if the applicant has:

9 (1) at least 25 hours of experience operating a party
10 boat as shown by appropriate documentation; and

11 (2) no record of boating violations.

12 Sec. 31.177. FEES. (a) The commission by rule shall
13 establish and collect a reasonable fee for:

14 (1) the issuance of a party boat operator license
15 under this subchapter; and

16 (2) the annual water safety inspection of a party boat
17 required by this subchapter.

18 (b) A fee collected by the department under this subchapter
19 and any interest that accrues on the fee shall be deposited to the
20 credit of the game, fish, and water safety account established
21 under Section 11.032.

22 Sec. 31.178. DRUG AND ALCOHOL TESTING. If a party boat is
23 involved in an accident causing serious personal injury or death,
24 each staff member on board is subject to mandatory drug and alcohol
25 testing.

26 Sec. 31.179. ENFORCEMENT. (a) In addition to a game
27 warden, any peace officer of a municipality or other political

1 subdivision of this state who is certified as a marine safety
2 enforcement officer under Section 31.121 may enforce this
3 subchapter:

4 (1) in the area of a navigable body of water that is in
5 the jurisdiction of the municipality or other political
6 subdivision; or

7 (2) in any part of a lake that is partly or wholly
8 inside the boundaries of:

9 (A) the municipality or its extraterritorial
10 jurisdiction; or

11 (B) the political subdivision.

12 (b) A party boat is subject to enforcement inspections
13 conducted under Section 31.124.

14 Sec. 31.180. RULES. The commission shall adopt and enforce
15 rules necessary to implement this subchapter.

16 (b) Not later than January 1, 2008, the Parks and Wildlife
17 Commission shall adopt rules to implement Subchapter G, Chapter 31,
18 Parks and Wildlife Code, as added by this Act.

19 (c) Subchapter G, Chapter 31, Parks and Wildlife Code, as
20 added by this Act, applies only to the rental or lease of a party
21 boat on the public water of this state for a group recreational
22 event held on or after June 1, 2008.

23 SECTION 20. Section 12.013, Parks and Wildlife Code, is
24 amended to read as follows:

25 Sec. 12.013. POWER TO TAKE WILDLIFE; FISH. (a) An employee
26 of the department acting within the scope of the employee's
27 authority may possess, take, transport, release, and manage any of

1 the wildlife and fish in this state for investigation, propagation,
2 distribution, education, disease diagnosis or prevention, or
3 scientific purposes.

4 (b) A person who is not an employee of the department who is
5 participating under the supervision of a department employee in a
6 program or event designated by the director as being conducted for
7 research or species propagation and as exempt from the normally
8 applicable size or bag limits may possess, take, transport, or
9 release any fish in this state to accomplish the intent of the
10 program or event.

11 SECTION 21. Subchapter A, Chapter 13, Parks and Wildlife
12 Code, is amended by adding Section 13.0044 to read as follows:

13 Sec. 13.0044. PREFERENCE FOR CERTAIN PARK PROGRAMS. In
14 selecting parks for capital improvements, the department may give a
15 preference to programs in which the department matches locally
16 raised money on a dollar-for-dollar basis.

17 SECTION 22. Section 13.0061(a), Parks and Wildlife Code, is
18 amended to read as follows:

19 (a) The department may lease grazing rights on any state
20 park or any area of a state park. The department may harvest and
21 sell, or sell in place, any timber, hay, livestock, or other product
22 grown on state park land the department finds to be in excess of
23 natural resource management, educational, or interpretive
24 objectives [~~programming needs~~]. Timber may be harvested only for
25 forest pest management, salvage, or habitat restoration and under
26 good forestry practices with the advice of the Texas Forest
27 Service.

1 SECTION 23. Subchapter A, Chapter 13, Parks and Wildlife
2 Code, is amended by adding Section 13.0075 to read as follows:

3 Sec. 13.0075. ELIGIBILITY CRITERIA FOR INCLUSION OF REAL
4 PROPERTY IN STATE PARKS SYSTEM. (a) The commission by rule shall
5 adopt criteria for determining the eligibility of real property
6 that is donated to the department for inclusion in the state parks
7 system.

8 (b) The department may accept a donation of real property
9 that satisfies the criteria adopted under Subsection (a).

10 (c) The department may renovate or restore donated real
11 property, including improvements to the property, or construct new
12 improvements on the donated real property as necessary and prudent.

13 SECTION 24. Subchapter A, Chapter 13, Parks and Wildlife
14 Code, is amended by adding Section 13.0145 to read as follows:

15 Sec. 13.0145. SPEED LIMITS. (a) The department shall set
16 and enforce speed limits on a road in a state park, wildlife
17 management area, or other site under the control of the department
18 as follows:

- 19 (1) 30 miles per hour on a park road or main drive;
20 (2) 20 miles per hour on a secondary road; or
21 (3) as posted by the department.

22 (b) The department shall:

23 (1) consult with the Texas Department of
24 Transportation to determine if a speed limit under Subsection (a)
25 is reasonable and safe based on an engineering and traffic control
26 study; and

- 27 (2) amend the limit, if necessary.

1 SECTION 25. Section 13.015, Parks and Wildlife Code, is
2 amended by amending Subsection (b) and adding Subsections (a-1),
3 (a-2), (b-1), (b-2), and (b-3) to read as follows:

4 (a-1) The commission may waive the park entrance fee for a
5 person who is at least 70 years of age. The commission may not waive
6 the fee for use of a park facility, including a hook-up fee for
7 electricity or water.

8 (a-2) The department may promote visits and enhance revenue
9 at parks, including amounts necessary for salaries, advertising,
10 consumable supplies and materials, promotional products, fees, and
11 related expenses.

12 (b) The department may operate or grant contracts to operate
13 concessions in state parks or on causeways, beach drives, or other
14 improvements in connection with state park sites. The department
15 may make regulations governing the granting or operating of
16 concessions. The department may establish and operate staff
17 concessions, including salaries, consumable supplies and
18 materials, operating expenses, rental and other equipment, and
19 other capital outlays.

20 (b-1) The department may purchase products, including food
21 items, for resale or rental at a profit.

22 (b-2) The department shall operate any resale concession
23 program using standard business practice models to generate revenue
24 and provide quality customer service while adhering to conservation
25 principles.

26 (b-3) The department may recruit and select private service
27 providers to enter into leased concession contracts with the

1 department to provide necessary and appropriate visitor services.

2 SECTION 26. Section 13.016, Parks and Wildlife Code, is
3 amended to read as follows:

4 Sec. 13.016. INMATE [~~PRISON~~] LABOR. (a) The department may
5 use the labor of an inmate confined in a state, county, or local
6 correctional facility [~~trustee state convicts~~] on or in connection
7 with state parks, wildlife management areas, or other property
8 under the control or jurisdiction of the department.

9 (b) Inmates [~~Convicts~~] working in connection with lands
10 under the control or jurisdiction of the department remain under
11 the control of the Texas Department of Criminal Justice or county or
12 local correctional facility, as appropriate, and are considered as
13 serving their terms in the Texas Department of Criminal Justice or
14 other correctional facility [~~penitentiary~~].

15 (c) The department may purchase equipment, meals, supplies,
16 and materials for an inmate working at a department site as
17 necessary to facilitate the use of the labor described by this
18 section.

19 (d) The department may not use the labor of an inmate
20 convicted of an offense listed in Article 62.001(5), Code of
21 Criminal Procedure.

22 (e) The department may not use the labor of an inmate
23 convicted of any violent offense.

24 SECTION 27. Section 13.019, Parks and Wildlife Code, is
25 amended to read as follows:

26 Sec. 13.019. FACILITY RESERVATION SYSTEM AND FEE. (a) The
27 department may permit the advance reservation of a facility,

1 lodging, or campsite at a state park and require the payment of a
2 fee by a person making the reservation.

3 (b) The department shall annually:

4 (1) evaluate whether the reservation system used by
5 the department for the advance reservation of facilities, lodging,
6 and campsites is as user-friendly as possible; and

7 (2) make modifications to the system as necessary to
8 enhance the user-friendliness of the reservation system.

9 SECTION 28. Subchapter A, Chapter 13, Parks and Wildlife
10 Code, is amended by adding Section 13.0191 to read as follows:

11 Sec. 13.0191. FACILITY AND LODGING FEES. A fee charged by
12 the department under this subchapter for the use of a facility or
13 lodging at a state park may vary on a seasonal basis and may be set
14 in an amount to recover the direct and indirect costs of providing
15 the facility or lodging and provide a reasonable rate of return to
16 the department. Items to be considered in setting a fee include the
17 cost required to provide, maintain, and improve amenities available
18 at the site and seasonal variables such as the cost of staffing to
19 meet demand and costs of heating or air conditioning.

20 SECTION 29. Section 22.023, Parks and Wildlife Code, is
21 amended to read as follows:

22 Sec. 22.023. DISPOSITION OF INCOME. The department shall
23 use the income derived from leases, royalties, and operation of the
24 park necessary for maintaining, improving, and operating the park.
25 The [One half of the balance of the] unexpended income at the end of
26 the biennium shall be placed in the state treasury to the credit of
27 the [may be used by the department on other] state parks account[7

1 ~~and the remaining one half and any other unexpended balance shall be~~
2 ~~transferred to the general revenue fund at the end of each~~
3 ~~biennium].~~

4 SECTION 30. Chapter 24, Parks and Wildlife Code, is amended
5 by designating Sections 24.001 through 24.013 as Subchapter A and
6 adding a heading for Subchapter A to read as follows:

7 SUBCHAPTER A. LOCAL PARKS FOR SMALLER COUNTIES AND
8 MUNICIPALITIES AND OTHER POLITICAL SUBDIVISIONS

9 SECTION 31. Section 24.001, Parks and Wildlife Code, is
10 amended to read as follows:

11 Sec. 24.001. DEFINITIONS. In this subchapter ~~[chapter]~~:

12 (1) "Political subdivision" means a county,
13 municipality ~~[city]~~, special district, river authority, or other
14 governmental entity created under the authority of the state or a
15 county or municipality ~~[city]~~.

16 (2) "Urban area" means the area within a standard
17 metropolitan statistical area (SMSA) in this state used in the last
18 preceding federal census.

19 (3) "Park" includes land and water parks owned or
20 operated by the state or a political subdivision.

21 (4) "Open space area" means a land or water area for
22 human use and enjoyment that is relatively free of man-made
23 structures.

24 (5) "Natural area" means a site having valuable or
25 vulnerable natural resources, ecological processes, or rare,
26 threatened, or endangered species of vegetation or wildlife.

27 (6) "Parks, recreational, and open space area plan"

1 means a comprehensive plan that includes information on and
2 analyses of parks, recreational, and open space area objectives,
3 needs, resources, environment, and uses, and that identifies the
4 amounts, locations, characteristics, and potentialities of areas
5 for adequate parks, recreational, and open space opportunities.

6 (7) "Federal rehabilitation and recovery grants"
7 means matching grants made by the United States to or for political
8 subdivisions for the purpose of rebuilding, remodeling, expanding,
9 or developing existing outdoor or indoor parks, recreational, or
10 open space areas and facilities, including improvements in park
11 landscapes, buildings, and support facilities.

12 (8) "Account" means the Texas recreation and parks
13 account.

14 (9) "Rural area" means any area not included in an
15 urban area.

16 (10) "Cultural resource site or area" means a site or
17 area determined by the commission to have valuable and vulnerable
18 cultural or historical resources.

19 (11) "Nonprofit corporation" means a nonpolitical
20 legal entity incorporated under the laws of this state that has been
21 granted an exemption from federal income tax under Section 501(c),
22 Internal Revenue Code of 1986, as amended.

23 (12) "Underserved population" means any group of
24 people that is low income, inner city, or rural as determined by the
25 last census, or minority, physically or mentally challenged youth
26 at risk, youth, or female.

27 SECTION 32. Section 24.002, Parks and Wildlife Code, is

1 amended to read as follows:

2 Sec. 24.002. TEXAS RECREATION AND PARKS ACCOUNT. The Texas
3 recreation and parks account is a separate account in the general
4 revenue fund. Money in the account may be used only as provided by
5 this subchapter for grants to:

6 (1) a county or municipality with a population of less
7 than 500,000; or

8 (2) any other political subdivision that is not a
9 county or municipality.

10 SECTION 33. Section 24.003, Parks and Wildlife Code, is
11 amended to read as follows:

12 Sec. 24.003. ACCOUNT REVENUE SOURCE; REVENUE DEDICATION.
13 The department shall deposit to the credit of the Texas recreation
14 and parks account:

15 (1) an amount of money equal to 15 [~~\$1,125,000 per~~
16 ~~month and 40~~] percent of the [~~amount above \$27 million per year of~~]
17 credits made to the department under Section 151.801, Tax Code; and
18 [~~or~~]

19 (2) money from any other source authorized by law.

20 SECTION 34. Section 24.005(e), Parks and Wildlife Code, is
21 amended to read as follows:

22 (e) The department may provide from the account for direct
23 administrative costs of the programs described by this subchapter
24 [~~chapter~~].

25 SECTION 35. Section 24.008(a), Parks and Wildlife Code, is
26 amended to read as follows:

27 (a) No property may be acquired with grant money made under

1 this subchapter [~~chapter~~] or by the department under this
2 subchapter [~~chapter~~] if the purchase price exceeds the fair market
3 value of the property as determined by one independent appraiser.

4 SECTION 36. Section 24.009, Parks and Wildlife Code, is
5 amended to read as follows:

6 Sec. 24.009. PAYMENTS, RECORDS, AND ACCOUNTING. (a) On the
7 approval of a grant under this subchapter [~~chapter~~] and on the
8 written request by the director, the comptroller of public accounts
9 shall issue a warrant drawn against the Texas recreation and parks
10 account and payable to the political subdivision or nonprofit
11 corporation in the amount specified by the director.

12 (b) Each recipient of assistance under this subchapter
13 [~~chapter~~] shall keep records as required by the department,
14 including records which fully disclose the amount and the
15 disposition of the proceeds by the recipient, the total cost of the
16 acquisition, a copy of the title and deed for the property acquired,
17 the amount and nature of that portion of the cost of the acquisition
18 supplied by other funds, and other records that facilitate
19 effective audit. The director and the comptroller, or their
20 authorized representatives, may examine any book, document, paper,
21 and record of the recipient that are pertinent to assistance
22 received under this subchapter [~~chapter~~].

23 (c) The recipient of funds under this subchapter [~~chapter~~]
24 shall, on each anniversary date of the grant for five years after
25 the grant is made, furnish to the department a comprehensive report
26 detailing the present and anticipated use of the property, any
27 contiguous additions to the property, and any major changes in the

1 character of the property, including the extent of park development
2 which may have taken place.

3 SECTION 37. Section 24.011, Parks and Wildlife Code, is
4 amended to read as follows:

5 Sec. 24.011. NONCOMPLIANCE WITH SUBCHAPTER [~~ACT~~]. The
6 attorney general shall file suit in a court of competent
7 jurisdiction against a political subdivision or nonprofit
8 corporation that fails to comply with the requirements of this
9 subchapter [~~chapter~~] to recover the full amount of the grant plus
10 interest on that amount of five percent a year accruing from the
11 time of noncompliance or for injunctive relief to require
12 compliance with this subchapter [~~chapter~~]. If the court finds that
13 the political subdivision or nonprofit corporation has not complied
14 with the requirements of this subchapter [~~chapter~~], it is not
15 eligible for further participation in the program for three years
16 following the finding for noncompliance.

17 SECTION 38. Section 24.013, Parks and Wildlife Code, is
18 amended to read as follows:

19 Sec. 24.013. AUTHORITY OF POLITICAL SUBDIVISIONS TO HAVE
20 PARKS. This subchapter [~~chapter~~] does not authorize a political
21 subdivision to acquire, develop, maintain, or operate a park,
22 recreational area, open space area, or natural area.

23 SECTION 39. Chapter 24, Parks and Wildlife Code, is amended
24 by adding Subchapter B to read as follows:

25 SUBCHAPTER B. PARKS FOR LARGE COUNTIES AND MUNICIPALITIES

26 Sec. 24.051. DEFINITIONS. In this subchapter:

27 (1) "Account" means the large county and municipality

1 recreation and parks account.

2 (2) "Cultural resource site or area" means a site or
3 area determined by the commission to have valuable and vulnerable
4 cultural or historical resources.

5 (3) "Federal rehabilitation and recovery grants"
6 means matching grants made by the United States to or for political
7 subdivisions for the purpose of rebuilding, remodeling, expanding,
8 or developing existing outdoor or indoor parks, recreational, or
9 open space areas and facilities, including improvements in park
10 landscapes, buildings, and support facilities.

11 (4) "Large county or municipality" means a county or
12 municipality with a population of 500,000 or more.

13 (5) "Natural area" means a site having valuable or
14 vulnerable natural resources, ecological processes, or rare,
15 threatened, or endangered species of vegetation or wildlife.

16 (6) "Nonprofit corporation" means a nonpolitical
17 legal entity incorporated under the laws of this state that has been
18 granted an exemption from federal income tax under Section 501(c),
19 Internal Revenue Code of 1986, as amended.

20 (7) "Open space area" means a land or water area for
21 human use and enjoyment that is relatively free of man-made
22 structures.

23 (8) "Park" includes land and water parks owned or
24 operated by the state or a political subdivision.

25 (9) "Parks, recreational, and open space area plan"
26 means a comprehensive plan that includes information on and
27 analyses of parks, recreational, and open space area objectives,

1 needs, resources, environment, and uses, and that identifies the
2 amounts, locations, characteristics, and potentialities of areas
3 for adequate parks, recreational, and open space opportunities.

4 (10) "Political subdivision" means a county,
5 municipality, special district, river authority, or other
6 governmental entity created under the authority of the state or a
7 county or municipality.

8 (11) "Underserved population" means any group of
9 people that is low income or inner city, as determined by the last
10 census, or minority, physically or mentally challenged youth at
11 risk, youth, or female.

12 Sec. 24.052. LARGE COUNTY AND MUNICIPALITY RECREATION AND
13 PARKS ACCOUNT. The large county and municipality recreation and
14 parks account is a separate account in the general revenue fund.
15 Money in the account may be used only as provided by this
16 subchapter.

17 Sec. 24.053. ACCOUNT REVENUE SOURCE; DEDICATION. The
18 department shall deposit to the credit of the large county and
19 municipality recreation and parks account:

20 (1) an amount of money equal to 10 percent of the
21 credits made to the department under Section 151.801, Tax Code; and

22 (2) money from any other source authorized by law.

23 Sec. 24.054. ASSISTANCE GRANTS. (a) The department may
24 make grants of money from the account to a large county or
25 municipality for use by the county or municipality as all or part of
26 the county's or municipality's required share of funds for
27 eligibility for receiving a federal rehabilitation and recovery

1 grant.

2 (b) In order to receive a grant under this section, the
3 county or municipality seeking the federal grant shall apply to the
4 department for the grant and present evidence that the county or
5 municipality qualifies for the federal grant.

6 (c) A grant under this section is conditioned on the county
7 or municipality qualifying for and receiving the federal grant.

8 Sec. 24.055. DIRECT STATE MATCHING GRANTS. (a) The
9 department shall make grants of money from the account to a large
10 county or municipality to provide one-half of the costs of the
11 planning, acquisition, or development of a park, recreational area,
12 or open space area to be owned and operated by the county or
13 municipality.

14 (b) In establishing the program of grants under this
15 section, the department shall adopt rules and regulations for grant
16 assistance.

17 (c) Money granted to a county or municipality under this
18 section may be used for the operation and maintenance of parks,
19 recreational areas, cultural resource sites or areas, and open
20 space areas only:

21 (1) if the park, site, or area is owned or operated and
22 maintained by the department and is being transferred by the
23 commission for public use to the county or municipality for
24 operation and maintenance; and

25 (2) during the period the commission determines to be
26 necessary to effect the official transfer of the park, site, or
27 area.

1 (d) The department shall make grants of money from the
2 account to a large county or municipality or to a nonprofit
3 corporation for use in a large county or municipality for
4 recreation, conservation, or education programs for underserved
5 populations to encourage and implement increased access to and use
6 of parks, recreational areas, cultural resource sites or areas, and
7 open space areas by underserved populations.

8 (e) The department may provide from the account for direct
9 administrative costs of the programs described by this subchapter.

10 Sec. 24.056. FUNDS FOR GRANTS TO LARGE COUNTIES AND
11 MUNICIPALITIES. When revenue to the large county and municipality
12 recreation and parks account exceeds \$14 million per year, an
13 amount not less than 15 percent shall be made available for grants
14 to large counties and municipalities for up to 50 percent of the
15 cost of acquisition or development of indoor public recreation
16 facilities for indoor recreation programs, sports activities,
17 nature programs, or exhibits.

18 Sec. 24.057. ACCOUNT USE TO BE CONSISTENT WITH PLANS. No
19 grant may be made under Section 24.055 nor may account money be used
20 under Section 24.056 unless:

21 (1) there is a present or future need for the
22 acquisition and development of the property for which the grant is
23 requested or the use is proposed; and

24 (2) a written statement is obtained from the regional
25 planning commission having jurisdiction of the area in which the
26 property is to be acquired and developed that the acquisition and
27 development is consistent with local needs.

1 Sec. 24.058. ACQUISITION OF PROPERTY. (a) No property may
2 be acquired with grant money made under this subchapter or by the
3 department under this subchapter if the purchase price exceeds the
4 fair market value of the property as determined by one independent
5 appraiser.

6 (b) Property may be acquired with provision for a life
7 tenancy if that provision facilitates the orderly and expedient
8 acquisition of the property.

9 (c) If land or water designated for park, recreational,
10 cultural resource, or open space use is included in the local and
11 regional park, recreational, cultural resource, and open space
12 plans for two or more large counties or municipalities, the two or
13 more large counties or municipalities may cooperate under state law
14 to secure assistance from the account to acquire or develop the
15 property. In those cases, the department may modify the standards
16 for individual applicants but must be assured that a cooperative
17 management plan for the land or water can be developed and
18 effectuated and that one of the counties or municipalities
19 possesses the necessary qualifications to perform contractual
20 responsibilities for purposes of the grant.

21 (d) All land or water purchased with assistance from the
22 account shall be dedicated for park, recreational, cultural
23 resource, indoor recreation center, and open space purposes in
24 perpetuity and may not be used for any other purpose, except where
25 the use is compatible with park, recreational, cultural resource,
26 and open space objectives, and the use is approved in advance by the
27 department.

1 Sec. 24.059. PAYMENTS, RECORDS, AND ACCOUNTING. (a) On the
2 approval of a grant under this subchapter and on the written request
3 by the director, the comptroller shall issue a warrant drawn
4 against the large county and municipality recreation and parks
5 account and payable to the county, municipality, or nonprofit
6 corporation in the amount specified by the director.

7 (b) Each recipient of assistance under this subchapter
8 shall keep records as required by the department, including records
9 that fully disclose the amount and the disposition of the proceeds
10 by the recipient, the total cost of the acquisition, a copy of the
11 title and deed for the property acquired, the amount and nature of
12 that portion of the cost of the acquisition supplied by other funds,
13 and other records that facilitate effective audit. The director and
14 the comptroller, or their authorized representatives, may examine
15 any book, document, paper, and record of the recipient that are
16 pertinent to assistance received under this subchapter.

17 (c) The recipient of funds under this subchapter shall, on
18 each anniversary date of the grant for five years after the grant is
19 made, furnish to the department a comprehensive report detailing
20 the present and anticipated use of the property, any contiguous
21 additions to the property, and any major changes in the character of
22 the property, including the extent of park development that may
23 have taken place.

24 Sec. 24.060. NONCOMPLIANCE WITH SUBCHAPTER. The attorney
25 general shall file suit in a court of competent jurisdiction
26 against a county, municipality, or nonprofit corporation that fails
27 to comply with the requirements of this subchapter to recover the

1 full amount of the grant plus interest on that amount of five
2 percent a year accruing from the time of noncompliance or for
3 injunctive relief to require compliance with this subchapter. If
4 the court finds that the county, municipality, or nonprofit
5 corporation has not complied with the requirements of this
6 subchapter, it is not eligible for further participation in the
7 program for three years following the finding for noncompliance.

8 Sec. 24.061. ACCOUNT NOT TO BE USED FOR PUBLICITY. No money
9 credited to the account may be used for publicity or related
10 purposes.

11 Sec. 24.062. AUTHORITY OF LARGE COUNTY OR MUNICIPALITY TO
12 HAVE PARKS. This subchapter does not authorize a large county or
13 municipality to acquire, develop, maintain, or operate a park,
14 recreational area, open space area, or natural area.

15 SECTION 40. Sections 43.402(a) and (b), Parks and Wildlife
16 Code, are amended to read as follows:

17 (a) Except as provided by Subsection (b) or (c) of this
18 section, no person may engage in fishing in saltwater for sporting
19 purposes in this state, or unload in this state fish or other
20 aquatic life taken for sporting purposes from waters managed by the
21 Gulf of Mexico Fishery Management Council established under the
22 Fishery Conservation and Management Act of 1976 (16 U.S.C. Section
23 1801 et seq.), unless the person has acquired a saltwater
24 sportfishing stamp endorsement issued to the person by the
25 department. The commission by rule may prescribe requirements
26 relating to possessing a stamp endorsement required by this
27 subchapter.

1 (b) A person who is exempted from obtaining a fishing
2 license under Chapter 46 [~~of this code~~] is not required to obtain a
3 saltwater sportfishing stamp endorsement.

4 SECTION 41. Chapter 43, Parks and Wildlife Code, is amended
5 by adding Subchapter V to read as follows:

6 SUBCHAPTER V. NONINDIGENOUS SNAKE PERMIT

7 Sec. 43.851. PERMIT. (a) The commission by rule shall
8 establish permits that allow permit holders to possess or transport
9 in this state a live nonindigenous:

10 (1) venomous snake; or

11 (2) constrictor that is one of the following:

12 (A) African rock python, *Python sebae*;

13 (B) Asiatic rock python, *Python molurus*;

14 (C) green anaconda, *Eunectes murinus*;

15 (D) reticulated python, *Python reticulatus*; or

16 (E) southern African python, *Python natalensis*.

17 (b) The commission shall establish separate permits for
18 recreational and commercial purposes.

19 (c) A permit under this subchapter is not required for:

20 (1) a state or county official performing an official
21 duty;

22 (2) a licensed zoo that possesses or transports a
23 snake for exhibition or scientific purposes;

24 (3) a research facility, including a university,
25 licensed under the Animal Welfare Act (7 U.S.C. Section 2131 et
26 seq.) that possesses or transports a snake for scientific purposes;

27 or

1 (4) a person who assists a department employee in the
2 handling or transport of a snake under this subchapter.

3 (d) Except as provided by Subsection (c), a person may not
4 possess or transport in this state a snake described by Subsection
5 (a) without a permit issued by the department under this
6 subchapter.

7 (e) A person convicted of a violation of this subchapter or
8 a rule adopted under this subchapter may not obtain a permit before
9 the fifth anniversary of the date of the conviction.

10 Sec. 43.852. INSPECTION OF PERMIT AND RECORDS. An
11 authorized department employee may inspect at any time and without
12 a warrant a permit or any records required by this subchapter.

13 Sec. 43.853. RELEASE FROM CAPTIVITY. A person may not
14 intentionally, knowingly, recklessly, or with criminal negligence
15 release or allow the release from captivity of a snake covered by
16 this subchapter.

17 Sec. 43.854. SEIZURE OF CONTRABAND; FINANCIAL
18 RESPONSIBILITY. (a) The department may arrange for the seizure and
19 removal of a snake covered by this subchapter from a person who
20 possesses the snake without the required permit. The person is
21 responsible for any costs incurred by the department in the
22 seizure, removal, and disposition of the snake.

23 (b) A department employee is not required to handle, remove,
24 or dispose of the snake.

25 (c) The department may contract with a person who has
26 knowledge of or expertise in the handling of a snake covered by this
27 subchapter to assist the department in the handling, removal, and

1 disposition of the snake.

2 (d) The department, including an enforcement officer of the
3 department, who acts under this section is not liable in a civil
4 action for the seizure, sale, donation, or other disposition of the
5 snake.

6 Sec. 43.855. RULES. The commission may adopt rules to
7 implement this subchapter, including rules to govern:

8 (1) the possession or transport of a snake covered by
9 this subchapter;

10 (2) permit application forms, fees, and procedures;

11 (3) the release of the snake;

12 (4) reports that the department may require a permit
13 holder to submit to the department; and

14 (5) other matters the commission considers necessary.

15 Sec. 43.856. OFFENSE. (a) Except as provided by Subsection
16 (c), a person who violates this subchapter or a rule adopted under
17 this subchapter commits an offense that is a Class C Parks and
18 Wildlife Code misdemeanor.

19 (b) A person who violates Section 43.853 or a rule adopted
20 to implement Section 43.853 commits an offense that is a Class A
21 Parks and Wildlife Code misdemeanor.

22 SECTION 42. Section 46.001, Parks and Wildlife Code, is
23 amended to read as follows:

24 Sec. 46.001. PROHIBITED ACTS. No person may fish in the
25 public water of this state, or unload in this state fish or other
26 aquatic life taken for sporting purposes from waters managed by the
27 Gulf of Mexico Fishery Management Council established under the

1 Fishery Conservation and Management Act of 1976 (16 U.S.C. Section
2 1801 et seq.), unless he has acquired a fishing license issued under
3 this subchapter, except as provided by Sections 46.0012 and 46.002
4 [~~of this code~~]. The commission by rule may prescribe requirements
5 relating to possessing a license required by this subchapter.

6 SECTION 43. Section 62.001, Parks and Wildlife Code, is
7 amended by adding Subdivision (3) to read as follows:

8 (3) "Public road or right-of-way" means a public
9 street, alley, road, right-of-way, or other public way, including a
10 berm, ditch, or shoulder.

11 SECTION 44. Subchapter A, Chapter 62, Parks and Wildlife
12 Code, is amended by adding Section 62.0031 to read as follows:

13 Sec. 62.0031. HUNTING FROM PUBLIC ROAD OR RIGHT-OF-WAY
14 PROHIBITED. (a) Except as provided by Subsection (b), a person may
15 not hunt a wild animal or bird when the person is on a public road or
16 right-of-way.

17 (b) This section does not apply to the trapping of a raptor
18 for educational or sporting purposes as provided by Chapter 49.

19 SECTION 45. Section 151.801, Tax Code, is amended by
20 amending Subsection (c) and adding Subsection (c-1) to read as
21 follows:

22 (c) Subject to Subsection (c-1), the [The] proceeds from the
23 collection of the taxes imposed by this chapter on the sale,
24 storage, or use of sporting goods shall be deposited as follows:

25 (1) an amount equal to 94 percent of the proceeds [For
26 the period beginning September 1, 1993, and ending August 31, 1995,
27 an amount equal to 50 cents per 1,000 cigarettes shall be deposited

1 ~~to the credit of the general revenue fund, state parks account, and~~
2 ~~an amount equal to 50 cents per 1,000 cigarettes shall be deposited~~
3 ~~to the credit of the general revenue fund, Texas recreation and~~
4 ~~parks account, and the balance shall be retained in the general~~
5 ~~revenue fund.~~

6 ~~[(2) Beginning September 1, 1995, the taxes collected]~~
7 shall be credited to the Parks and Wildlife Department and
8 deposited as specified in the Parks and Wildlife Code; and

9 (2) an amount equal to six percent of the proceeds
10 shall be credited to the Texas Historical Commission and deposited
11 as specified in Section 442.073, Government Code. ~~[The comptroller~~
12 ~~shall not credit in excess of \$32 million in sporting goods tax~~
13 ~~revenue annually to the Parks and Wildlife Department.]~~

14 (c-1) The comptroller may not credit to the Parks and
15 Wildlife Department or the Texas Historical Commission any amounts
16 under this section that are in excess of the amounts appropriated to
17 the department or commission for that biennium, less any other
18 amounts to which the department or commission is entitled.

19 SECTION 46. Sections 442.0022(c) and 442.009(d),
20 Government Code, are repealed.

21 SECTION 47. Not later than February 1, 2008, the Texas
22 Historical Commission shall adopt the rules required by Sections
23 442.0055 and 442.006(h), Government Code, as added by this Act.

24 SECTION 48. (a) The changes in law made by this Act in the
25 prohibitions or qualifications applying to a member of the Texas
26 Historical Commission do not affect the entitlement of a member
27 serving on the Texas Historical Commission immediately before

1 September 1, 2007, to continue to serve and function as a member of
2 the Texas Historical Commission for the remainder of the member's
3 term. Those changes in law apply only to a member appointed on or
4 after September 1, 2007.

5 (b) The changes in law made by this Act to Section 442.009,
6 Government Code, relating to the investigation of a complaint filed
7 with the Texas Historical Commission apply only to a complaint
8 filed on or after September 1, 2007. A complaint filed with the
9 commission before September 1, 2007, is governed by the law as it
10 existed immediately before that date, and the former law is
11 continued in effect for that purpose.

12 SECTION 49. Not later than November 1, 2008, the Department
13 of Public Safety of the State of Texas, the Texas Alcoholic Beverage
14 Commission, the Texas Department of Criminal Justice, and the Parks
15 and Wildlife Department shall each:

16 (1) adopt the standards required by Section 614.152,
17 Government Code, as added by this Act;

18 (2) test the law enforcement officers to whom the
19 standards apply for compliance with the standards; and

20 (3) issue a report to the governor, the lieutenant
21 governor, the speaker of the house of representatives, and the
22 legislature that contains the standards adopted by the agency and
23 the rate of compliance by the agency's law enforcement officers.

24 SECTION 50. The Parks and Wildlife Department shall comply
25 with the recommendations contained in the State Auditor's Office
26 "An Audit Report on Financial Processes at the Parks and Wildlife
27 Department Report No. 07-021" in accordance with the dates

1 specified in the department's management response included as
2 Appendix 6 to the report.

3 SECTION 51. (a) In this section, "historic site" means a
4 historic site or park listed under Section 442.072, Government
5 Code, as added by this Act.

6 (b) On or after January 1, 2008, as provided by this
7 section, the following are transferred to the Texas Historical
8 Commission:

9 (1) each historic site and all obligations and
10 liabilities of the Parks and Wildlife Department relating to the
11 site;

12 (2) all unobligated and unexpended funds appropriated
13 to the Parks and Wildlife Department designated for the
14 administration of each site;

15 (3) all equipment and property of the Parks and
16 Wildlife Department used for the administration of or related to
17 each site; and

18 (4) all files and other records of the Parks and
19 Wildlife Department kept by the department regarding each site.

20 (c) A rule adopted by the Parks and Wildlife Commission that
21 is in effect immediately before January 1, 2008, and that relates to
22 a historic site is, on January 1, 2008, a rule of the Texas
23 Historical Commission and remains in effect until amended or
24 repealed by the Texas Historical Commission. A rule that applies to
25 both a transferred site and park that is not transferred is a rule
26 of both commissions and applies to the transferred site until
27 amended or repealed by the Texas Historical Commission.

1 (d) A transfer under this Act does not diminish or impair
2 the rights of a holder of an outstanding bond or other obligation
3 issued by the Parks and Wildlife Department in relation to the
4 support of a historic site.

5 (e) On January 1, 2008, a reference in the Parks and
6 Wildlife Code or other law to a power, duty, obligation, or
7 liability of the Parks and Wildlife Department or the Parks and
8 Wildlife Commission that relates to a historic site is a reference
9 to the Texas Historical Commission. The Texas Historical Commission
10 is the successor agency to the Parks and Wildlife Department and the
11 Parks and Wildlife Commission for the site.

12 (f) The Texas Historical Commission shall prepare a base
13 operating plan for each historic site before the transfer of any
14 site or associated artifact or archival materials from the Parks
15 and Wildlife Department to the commission. The base operating plan
16 for each site must be completed on or before January 1, 2008. The
17 base operating plan for each site must include:

18 (1) a mission statement outlining the goals for the
19 site;

20 (2) an interpretive plan showing how the mission is to
21 be accomplished;

22 (3) an operational plan, including:

23 (A) facilities, documents, records, and other
24 assets to be transferred;

25 (B) parties responsible for daily site
26 management, including staff that will be transferred;

27 (C) off-site support structure;

1 (D) plans for artifact and archival curation;

2 (E) signed memoranda of understanding or
3 memoranda of agreement with appropriate friends groups and
4 volunteer organizations; and

5 (F) emergency plans;

6 (4) a maintenance plan, including maintenance and
7 repair needs;

8 (5) a marketing plan;

9 (6) a business plan, including revenue and visitation
10 goals;

11 (7) a plan for compliance with:

12 (A) Chapter 191, Natural Resources Code (the
13 Antiquities Code of Texas); and

14 (B) the National Historic Preservation Act (16
15 U.S.C. Section 470 et seq.); and

16 (8) fiscal plans and budgets associated with
17 Subdivisions (1) through (7) of this subsection.

18 (g) Not later than September 1, 2007, the chair of the House
19 Committee on Culture, Recreation, and Tourism shall appoint from
20 that committee an interim study subcommittee to review the base
21 operating plan described by Subsection (f) of this section. The
22 interim subcommittee shall obtain feedback and information from
23 professionals familiar with the work of the Parks and Wildlife
24 Department, the Texas Historical Commission, the National Park
25 Service, the Council of Texas Archeologists, professional
26 archivists, park managers, and the tourism industry. Not later
27 than September 1, 2008, the interim study subcommittee shall report

1 to the House Committee on Culture, Recreation, and Tourism on the
2 results of the study conducted under this subsection.

3 (h) Until a historic site is transferred to the Texas
4 Historical Commission in accordance with this Act, the Parks and
5 Wildlife Department shall continue to operate and maintain the site
6 under applicable law as it existed on January 1, 2007.

7 (i) The Parks and Wildlife Department and the Texas
8 Historical Commission shall keep the House Committee on Culture,
9 Recreation, and Tourism, the subcommittee on Agriculture, Rural
10 Affairs and Coastal Resources, and the Senate and House members in
11 whose district, a historic site is being transferred, informed of
12 the progress of the transfer of each historic site under this Act.

13 (j) An employee of the Parks and Wildlife Department whose
14 job responsibilities are more than 50 percent related to a historic
15 site transferred to the Texas Historical Commission under this Act
16 becomes an employee of the Texas Historical Commission on the date
17 of the transfer of that site. An employee whose job is transferred
18 may not be dismissed after the transfer except for cause before the
19 first anniversary of the date of the transfer.

20 SECTION 52. Any restrictions on the allocation of money in
21 the state parks account under Section 11.035, Parks and Wildlife
22 Code, as amended by this Act, on the use of money in the Texas parks
23 and wildlife conservation and capital account under Section 11.043,
24 Parks and Wildlife Code, as amended by this Act, on the use of money
25 in the Texas recreation and parks account under Section 24.002,
26 Parks and Wildlife Code, as amended by this Act, or on the
27 allocation of that money under Section 24.003, Parks and Wildlife

1 Code, as amended by this Act, do not apply to a one-time
2 appropriation of the unencumbered balances of those accounts on
3 August 31, 2007, made by a rider to the General Appropriations Act
4 that:

5 (1) is contingent on the enactment of this Act or a
6 similar Act by the 80th Legislature; and

7 (2) provides for the one-time allocation of that money
8 to the Parks and Wildlife Department and the Texas Historical
9 Commission to be used for the repair, renovation, maintenance, and
10 other one-time costs associated with state historic sites and state
11 parks.

12 SECTION 53. The name of the Peach Point Wildlife Management
13 Area is changed to the Justin Hurst Wildlife Management Area.

14 SECTION 54. (a) The House Committee on Culture,
15 Recreation, and Tourism shall conduct a study to determine whether
16 this state should permit the possession of nonindigenous venomous
17 snakes and nonindigenous constrictors as provided by Subchapter V,
18 Chapter 43, Parks and Wildlife Code, as added by this Act.

19 (b) The study must include:

20 (1) a comparison of laws regulating nonindigenous
21 snakes in other states;

22 (2) alternative methods of regulating the possession
23 of nonindigenous snakes;

24 (3) the economic, environmental, and other effects of
25 allowing nonindigenous snakes to be held in the state, including:

26 (A) the potential to harbor and spread diseases
27 or parasites, or other adverse effects; and

1 (B) the economic and other benefits to this state
2 that may be obtained by regulating the trade in nonindigenous
3 snakes; and

4 (4) other related matters the committee finds useful.

5 (c) Not later than November 1, 2008, the committee shall
6 report its findings to the governor, the executive directors of the
7 Parks and Wildlife Department, and each member of the committee.

8 SECTION 55. (a) The Parks and Wildlife Commission shall
9 adopt the rules necessary under Subchapter V, Chapter 43, Parks and
10 Wildlife Code, as added by this Act, not later than April 1, 2008.

11 (b) The Parks and Wildlife Department shall begin issuing
12 permits under Subchapter V, Chapter 43, Parks and Wildlife Code, as
13 added by this Act, not later than April 1, 2008.

14 SECTION 56. (a) The joint legislative task force on the use
15 of the sales tax on sporting goods is composed of eight members, as
16 follows:

17 (1) two members of the House Culture, Recreation and
18 Tourism Committee, one being the chair of the committee and one
19 appointed by the speaker of the house of representatives;

20 (2) two members, each of whom must be a member of the
21 House Appropriations Committee or House Ways and Means Committee,
22 as appointed by the speaker of the house of representatives;

23 (3) two members of the Senate Committee on Natural
24 Resources, one being the chair of the committee and one appointed by
25 the lieutenant governor; and

26 (4) two members of the Senate Committee on Finance,
27 appointed by the lieutenant governor.

1 (b) The speaker of the house of representatives shall
2 designate the chair of the House Committee on Culture, Recreation,
3 and Tourism to serve as a joint presiding officer of the task force,
4 and the lieutenant governor shall designate another task force
5 member to serve as the other joint presiding officer.

6 (c) The task force meets at the call of the joint presiding
7 officers.

8 (d) The task force shall:

9 (1) review the items that are included in the
10 definition of "sporting goods" under Section 151.801(e), Tax Code;

11 (2) determine the amount of sales tax revenue that
12 must be generated from the sale of "sporting goods" to fund, at a
13 minimum, the appropriations made by the 80th Legislature regarding
14 state parks, local parks, historic sites, coastal management
15 programs, and water planning;

16 (3) not later than December 15, 2008, prepare and
17 present to the legislature a report that describes the findings of
18 the task force and includes recommendations regarding the specific
19 items that should be included in the definition of "sporting goods"
20 under Section 151.801(e), Tax Code, in order to more evenly match
21 the revenue streams needed to cover ongoing appropriations
22 (estimated to be \$70 million per annum), net of the use of
23 unexpended balances in 2008-2009 biennium, without creating large
24 dedicated fund balances.

25 (e) It is the intent of the 80th Legislature that Section
26 151.801(c-1), Tax Code, as added by this Act, be repealed on
27 adoption of a statute implementing the recommendations of the task

1 force.

2 SECTION 57. If the Parks and Wildlife Department does not
3 receive a grant of funds from the Department of Transportation, the
4 Parks and Wildlife Department may spend no more than \$50,000 to
5 maintain a river-access point and picnic area in Zavala County that
6 is adjacent to the Nueces River and United States Highway 83
7 intersection north of La Pryor, Texas. If the Parks and Wildlife
8 Department receives a grant of funds from the Department of
9 Transportation, the Parks and Wildlife Department may not spend
10 money, other than money received under the grant, on maintenance
11 described by this section.

12 SECTION 58. (a) The Parks and Wildlife Department shall
13 conduct a study of ways to improve the efficiency and ease of use of
14 the department's hunting and fishing license systems. The study
15 must:

16 (1) evaluate the efficiency of the hunting and fishing
17 license systems in effect on September 1, 2007;

18 (2) identify problems and suggest improvements to
19 those systems; and

20 (3) identify ways to increase ease of use for
21 individuals applying for a hunting or fishing license in this
22 state.

23 (b) The Parks and Wildlife Department shall complete the
24 study conducted under Subsection (a) of this section not later than
25 July 1, 2008.

26 (c) Not later than October 1, 2008, the Parks and Wildlife
27 Department shall submit to the governor, the lieutenant governor,

1 the speaker of the house of representatives, and the chair of each
2 committee of the legislature that has primary oversight
3 jurisdiction over the department a written report that summarizes
4 the findings of the study conducted under Subsection (a) of this
5 section.

6 SECTION 59. (a) Except as provided by Subsections (b) and
7 (c) of this section, this Act takes effect immediately if it
8 receives a vote of two-thirds of all the members elected to each
9 house, as provided by Section 39, Article III, Texas Constitution.
10 If this Act does not receive the vote necessary for immediate
11 effect, this Act takes effect September 1, 2007.

12 (b) The following take effect September 1, 2007:

13 (1) Sections 442.002, 442.0021, 442.0022, 442.004,
14 442.0055, 442.006, and 442.009, Government Code, as amended by this
15 Act;

16 (2) Sections 442.022 and 442.023, Government Code, as
17 added by this Act;

18 (3) Subchapter H, Chapter 614, Government Code, as
19 added by this Act;

20 (4) Sections 12.013, 12.306, 43.402, 46.001, 62.011,
21 65.0072, 65.008, and 284.001, Parks and Wildlife Code, as amended
22 by this Act; and

23 (5) except as provided by Subsection (c) of this
24 section, Subchapter V, Chapter 43, Parks and Wildlife Code, as
25 added by this Act.

26 (c) Sections 43.851(d) and 43.856, Parks and Wildlife Code,
27 as added by this Act, take effect April 1, 2008.

President of the Senate

Speaker of the House

I certify that H.B. No. 12 was passed by the House on May 3, 2007, by the following vote: Yeas 141, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 12 on May 25, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 12 on May 28, 2007, by the following vote: Yeas 139, Nays 0, 1 present, not voting; and that the House adopted H.C.R. No. 286 authorizing certain corrections in H.B. No. 12 on May 28, 2007, by a non-record vote.

Chief Clerk of the House

H.B. No. 12

I certify that H.B. No. 12 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 12 on May 28, 2007, by the following vote: Yeas 30, Nays 0; and that the Senate adopted H.C.R. No. 286 authorizing certain corrections in H.B. No. 12 on May 28, 2007, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor